

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 6-13, and 17-20 are pending in the present application, Claims 1, 4, 10, 12 and 15 having been amended, and Claims 3, 5, 14, and 16 having been canceled. Support for the amendments to Claims 1, 10, and 12 is found in original Claims 3, 5, 14, and 16, and thus no new matter is added.

In the outstanding Office Action, Claims 1, 10, 11, and 12 were rejected under 35 U.S.C. §102(e) as anticipated by Jones et al. (U.S. Patent No. 6,763,001, hereinafter Jones); Claims 1, 3, 9-12, 14, and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Mastrianni (U.S. Patent Publication No. 2002/0099814) in view of Jones; Claims 2-5, 7, 13-16 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Mastrianni in view of Jones, and further in view of Hemphill et al. (U.S. Patent No. 6,490,617, hereinafter Hemphill); Claims 6 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Mastrianni in view of Jones and Hemphill, and further in view of Broulik et al. (U.S. Patent No. 6,323,881); and Claims 8 and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Mastrianni in view of Banginwar (U.S. Patent No. 6,611,863).

Applicants respectfully traverse the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness by asserting prior art that, no matter how the prior art references are combined, does not teach every element of independent Claim 1, 10, and 12, as amended.

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that three criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a

reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements.

Claim 1 is amended to include the elements of Claims 3 and 5. Accordingly, Applicants submit that the combination of Mastrianni, Jones, and Hemphill do not describe or suggest every element of amended Claim 1.

Amended Claim 1 recites “...using the Telnet protocol to logon to the device and submit commands to the device....” Applicants agree with the Office Action that Mastrianni does not describe or suggest this element of amended Claim 1.¹

The Office Action relies on Jones as describing this element of amended Claim 1.² However, Jones describes using the Telnet protocol to reach a login prompt of the server device and not to provide any login information.³ Jones describes that the device transmits a banner at the login prompt, and that the banner identifies the device’s name, the device’s operating system, and version. Jones further discloses that the name, operating system, and version “is sent to the client computer without the client computer having to provide any Login identification details which essentially means that the client computer only has to connect to the Telnet server port via a socket to obtain the Login banner.”⁴

Furthermore, since no login information is entered, Jones does not describe or suggest submitting commands to the device. Jones describes a client that is passive when receiving information from the banner. Thus, Jones does not teach or suggest “...using the Telnet protocol to logon to the device and submit commands to the device....”

In addition, amended Claim 1 recites “...determining the attributes of the video device by reference to command responses from the video device....” As stated above, Jones does not describe or suggest sending commands. Thus, the device in Jones does not respond

¹ Office Action, page 13, paragraph 27.

² Office Action, page 14, paragraph 28.

³ Jones, col. 3, lines 29-30.

⁴ Jones, col. 3, lines 29-33.

to commands and Jones does not describe or suggest the claimed "...determining the attributes of the video device by reference to command responses from the video device...."

Hemphill does not cure the above-noted deficiencies of Jones and Mastrianni.

Hemphill was only cited to describe the use of HTTP protocol and does not discuss using the Telnet protocol. Banginwar does not cure the above-noted deficiencies of Jones and Mastrianni. Banginwar was only cited to describe a manufacturer specific query system. Finally, Broulik does not cure the above-noted deficiencies of Jones and Mastrianni. Broulik was only cited to describe the use of VT-100 protocol.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and Claims 2, 4, and 6-9) patentably distinguish over Mastrianni, Jones, Hemphill, Broulik, and Banginwar, alone or in combination. In addition, Applicants respectfully submit that amended Claims 10 and 12 (and Claims 11, 13, 15, and 17-20) patentably distinguish over Mastrianni, Jones, Hemphill, Broulik, and Banginwar, alone or in combination for at least the reasons given for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael E. Monaco
Registration No. 52,041

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)